

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement  
Bakersfield Federal Courthouse  
510 19<sup>th</sup> Street, Second Floor  
Bakersfield, California

**PRE-HEARING DISPOSITIONS**

**DAY:** WEDNESDAY  
**DATE:** OCTOBER 5, 2016  
**CALENDAR:** 9:00 A.M. CHAPTERS 13 AND 12 CASES

**GENERAL DESIGNATIONS**

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

**ORAL ARGUMENT**

For matters that are called, the court may determine in its discretion whether the resolution of such matter requires oral argument. See *Morrow v. Topping*, 437 F.2d 1155, 1156-57 (9th Cir. 1971); accord LBR 9014-1(h). When the court has published a tentative ruling for a matter that is called, the court shall not accept oral argument from any attorney appearing on such matter who is unfamiliar with such tentative ruling or its grounds.

**COURT'S ERRORS IN FINAL RULINGS**

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 60(a), as incorporated by Federal Rules of Bankruptcy Procedure 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [15-14303](#)-A-13 LORI SILVA CONTINUED PRE-TRIAL CONFERENCE  
RSW-2 RE: OBJECTION TO CLAIM OF  
LORI SILVA/MV EQUITY 1 LOANS, CLAIM NUMBER 9  
5-5-16 [[28](#)]  
  
ROBERT WILLIAMS/Atty. for dbt.  
OPPOSITION

**No tentative ruling.**

2. [13-17714](#)-A-13 MARK AGUILAR AND PATRICIA MOTION TO DISMISS CASE  
MHM-3 RAMIREZ 9-2-16 [[104](#)]  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/Atty. for dbt.  
RESPONSIVE PLEADING

**Tentative Ruling**

**Motion:** Dismiss Case

**Notice:** LBR 9014-1(f) (1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

The chapter 13 trustee moves to dismiss this case, asserting that cause exists under § 1307(c) (1) and (6) as the debtor has failed to make all payments due under the plan. The trustee contends that the debtor is delinquent in the amount of \$10,972.87.

The debtors' opposition indicates that a motion to modify their plan will be filed and heard November 2, 2016. But such motion has not yet been filed. Thus, the debtor's opposition does not fully resolve the grounds for dismissal. A delinquency still exists as of the date of the opposition that has not been cured by the prospective statement of intent to file a modified plan. The court is unable to deny the motion given the outstanding delinquency.

**CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having considered the motion, the opposition, responses, and oral argument at the hearing, if any, and good cause appearing,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. Payments are delinquent in the amount of \$10,972.87. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c) (1), (6). The court hereby dismisses this case.

3. [16-11916](#)-A-13 ROBYN HILL AVERY  
NSV-3  
ROBYN HILL AVERY/MV  
NIMA VOKSHORI/Atty. for dbt.

MOTION TO CONFIRM PLAN  
8-19-16 [[51](#)]

**Final Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(1), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

4. [15-12017](#)-A-13 MICHAEL/TRISA GONZOLAS  
RSW-1  
MICHAEL GONZOLAS/MV  
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO MODIFY PLAN  
8-23-16 [[43](#)]

**Final Ruling**

**Motion:** Modify Chapter 13 Plan

**Notice:** LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(2), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden.

The court will grant the motion and approve the modification of the plan.

5.     [16-11819](#)-A-13   KEITH SWANSON                                 MOTION FOR RELIEF FROM  
WFM-1   AUTOMATIC STAY  
PENNYMAC LOAN SERVICES, LLC/MV                                 8-10-16 [[22](#)]  
WILLIAM OLCOTT/Atty. for dbt.  
WILLIAM MCDONALD/Atty. for mv.  
DISMISSED

### **Final Ruling**

The case dismissed, the matter is dropped as moot.

6.     [12-14922](#)-A-13   RONALD/SANDRA CHRISTY                         MOTION TO DISMISS CASE  
MHM-4   9-1-16 [[86](#)]  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/Atty. for dbt.  
RESPONSIVE PLEADING

### **Tentative Ruling**

**Motion:** Dismiss Case

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

The chapter 13 trustee moves to dismiss this case, asserting that cause exists under § 1307(c)(1) and (6) as the debtor has failed to make all payments due under the plan. The trustee contends that the debtor is delinquent in the amount of \$1162.00.

The debtor's opposition states that the debtor has paid a regular plan payment (\$200) after the trustee filed the present motion to dismiss. The debtor also states that the balance of the delinquency and the regular September 25 payment will be made prior to the hearing on this motion.

The debtor's opposition does not fully resolve the grounds for dismissal. A delinquency still exists as of the date of the opposition. A statement of intent to pay the delinquency on or before a future date is not equivalent to cure of the delinquency. The court is unable to deny the motion given the outstanding delinquency.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having considered the motion, the opposition, responses, and oral

argument at the hearing, if any, and good cause appearing,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. Payments are delinquent under the plan. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

7. [12-19324](#)-A-13 EFREN ROQUE  
MHM-3  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/Atty. for dbt.  
RESPONSIVE PLEADING
- MOTION TO DISMISS CASE  
8-10-16 [[52](#)]

**No tentative ruling.**

8. [16-12426](#)-A-13 PATSY ALLEN  
MHM-1  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/Atty. for dbt.  
WITHDRAWN
- MOTION TO DISMISS CASE  
8-5-16 [[23](#)]

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

9. [14-16029](#)-A-13 DAGMAR VAUGHAN  
RSW-1  
DAGMAR VAUGHAN/MV  
ROBERT WILLIAMS/Atty. for dbt.
- CONTINUED OBJECTION TO CLAIM OF  
GREEN TREE SERVICING LLC, CLAIM  
NUMBER 13  
9-11-15 [[32](#)]

**No tentative ruling.**

10. [15-13629](#)-A-13 CLARO/MELIZA CAMAT  
MHM-1  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/Atty. for dbt.
- OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
8-26-16 [[30](#)]

**Final Ruling**

The objection will be overruled as moot. An amended Schedule C was filed on September 22, 2016 after the objection to exemptions was filed.

11. [16-11330](#)-A-13 COREY GARCIA  
RSW-1  
COREY GARCIA/MV  
ROBERT WILLIAMS/Atty. for dbt.  
OPPOSITION

MOTION TO CONFIRM PLAN  
8-24-16 [[41](#)]

**No tentative ruling.**

12. [11-19832](#)-A-13 JEAN MORGAN  
MHM-6  
MICHAEL MEYER/MV  
PATRICK KAVANAGH/Atty. for dbt.  
RESPONSIVE PLEADING  
WITHDRAWN

MOTION TO DISMISS CASE  
9-1-16 [[165](#)]

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

13. [16-11137](#)-A-13 LENIE MORALES  
RSW-1  
LENIE MORALES/MV  
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO MODIFY PLAN  
8-25-16 [[29](#)]

**Final Ruling**

**Motion:** Modify Chapter 13 Plan

**Notice:** LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(2), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden. The court will grant the motion and approve the modification of the plan.

14. [16-13343](#)-A-13 AIDE/JAMES BLANCO  
PK-1  
AIDE BLANCO/MV  
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY  
9-21-16 [[8](#)]

**Tentative Ruling**

**Motion:** Extend the Automatic Stay

**Notice:** LBR 9014-1(f) (2); no written opposition required

**Disposition:** Granted except as to any creditor without proper notice of this motion

**Order:** Prepared by moving party pursuant to the instructions below

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Upon request of a party in interest, the court may extend the automatic stay where the debtor has had one previous bankruptcy case that was pending within the 1-year period prior to the filing of the current bankruptcy case but was dismissed. See 11 U.S.C. § 362(c) (3) (B). Procedurally, the automatic stay may be extended only "after notice and a hearing *completed* before the expiration of the 30-day period" after the filing of the petition in the later case. *Id.* (emphasis added). To extend the stay, the court must find that the filing of the *later case* is in good faith as to the creditors to be stayed, and the extension of the stay may be made subject to conditions or limitations the court may impose. *Id.*

For the reasons stated in the motion and supporting papers, the court finds that the filing of the current case is in good faith as to the creditors to be stayed. The motion will be granted except as to any creditor without proper notice of this motion.

15. [16-13344](#)-A-13 JILL HOFFMAN  
TCS-1  
JILL HOFFMAN/MV  
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY  
9-19-16 [[10](#)]

**No tentative ruling.**

16. [16-10847](#)-A-13 STANLEY/LINDA MORGAN  
MHM-1  
MICHAEL MEYER/MV  
PATRICK KAVANAGH/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO DISMISS CASE  
9-7-16 [[40](#)]

**No tentative ruling.**

17. [15-11654](#)-A-13 ELLIOT BADGER AND BRENDA MOTION TO DISMISS CASE  
MHM-3 VAQUERA 9-2-16 [[67](#)]  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/Atty. for dbt.  
RESPONSIVE PLEADING  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

18. [16-11354](#)-A-13 ODILON/SAURISARET MOTION TO DISMISS CASE  
MHM-2 PEREZ-FLORES 8-5-16 [[52](#)]  
MICHAEL MEYER/MV  
PHILLIP MYER/Atty. for dbt.  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

19. [16-11354](#)-A-13 ODILON/SAURISARET MOTION TO VALUE COLLATERAL OF  
PIM-2 PEREZ-FLORES BAYVIEW LOAN SERVICING, LLC  
ODILON PEREZ-FLORES/MV 8-23-16 [[67](#)]  
PHILLIP MYER/Atty. for dbt.

**Final Ruling**

The hearing has been continued to November 2, 2016, at 9:00 a.m.  
pursuant to Order, ECF #80.

20. [16-11354](#)-A-13 ODILON/SAURISARET MOTION TO CONFIRM PLAN  
PIM-2 PEREZ-FLORES 8-23-16 [[70](#)]  
ODILON PEREZ-FLORES/MV  
PHILLIP MYER/Atty. for dbt.

**Final Ruling**

This hearing has been continued to November 2, 2016, at 9:00 a.m.  
pursuant to Order, ECF #81.

21. [16-11857](#)-A-13 ROBERT/CHRISTINE MC DUFF CONTINUED MOTION TO DISMISS  
MHM-2 CASE  
MICHAEL MEYER/MV 8-5-16 [[31](#)]  
ROBERT WILLIAMS/Atty. for dbt.  
RESPONSIVE PLEADING  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

22. [16-11857](#)-A-13 ROBERT/CHRISTINE MC DUFF OBJECTION TO CONFIRMATION OF  
MHM-3 PLAN BY TRUSTEE MICHAEL H.  
MEYER  
9-9-16 [[47](#)]  
ROBERT WILLIAMS/Atty. for dbt.  
RESPONSIVE PLEADING

**No tentative ruling.**

23. [16-11857](#)-A-13 ROBERT/CHRISTINE MC DUFF MOTION TO DISMISS CASE  
MHM-4 9-9-16 [[51](#)]  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/Atty. for dbt.  
RESPONSIVE PLEADING

**No tentative ruling.**

24. [16-11857](#)-A-13 ROBERT/CHRISTINE MC DUFF CONTINUED MOTION TO AVOID LIEN  
RSW-1 OF CACH, LLC  
ROBERT MC DUFF/MV 8-17-16 [[41](#)]  
ROBERT WILLIAMS/Atty. for dbt.

**No tentative ruling.**

25. [16-11857](#)-A-13 ROBERT/CHRISTINE MC DUFF CONTINUED MOTION TO AVOID LIEN  
RSW-2 OF PORTFOLIO RECOVERY  
ROBERT MC DUFF/MV ASSOCIATES, LLC  
8-17-16 [[37](#)]  
ROBERT WILLIAMS/Atty. for dbt.

**No tentative ruling.**

26. [13-13660](#)-A-13 MICHAEL/VERONICA WHITE MOTION TO DISMISS CASE  
MHM-2 9-2-16 [[105](#)]  
MICHAEL MEYER/MV  
LEONARD WELSH/Atty. for dbt.  
OPPOSITION  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

27. [14-11761](#)-A-13 FRANCISCO/DIANE LOPEZ MOTION TO DISMISS CASE  
MHM-4 9-2-16 [[110](#)]  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/Atty. for dbt.  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

28. [11-17264](#)-A-13 MICHAEL/CHERYL PAULEY CONTINUED MOTION FOR RELIEF  
EAT-1 FROM AUTOMATIC STAY  
NATIONSTAR MORTGAGE LLC/MV 5-25-16 [[80](#)]  
D. GARDNER/Atty. for dbt.  
DARLENE VIGIL/Atty. for mv.  
OPPOSITION  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

29. [16-12166](#)-A-13 TRACY MOOD MOTION TO DISMISS CASE  
MHM-1 8-5-16 [[15](#)]  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/Atty. for dbt.  
RESPONSIVE PLEADING  
WITHDRAWN

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

30. [13-13872](#)-A-13 KEITH WOOLFOLK  
MHM-1  
MICHAEL MEYER/MV  
PHILLIP GILLET/Atty. for dbt.  
WITHDRAWN

MOTION TO DISMISS CASE  
9-2-16 [[30](#)]

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

31. [16-10073](#)-A-13 DONALD WILLIFORD  
RSW-4  
DONALD WILLIFORD/MV  
ROBERT WILLIAMS/Atty. for dbt.

MOTION TO CONFIRM PLAN  
8-16-16 [[84](#)]

**No tentative ruling.**

32. [16-11576](#)-A-13 SCOTT KIRK  
MHM-2  
MICHAEL MEYER/MV  
PATRICK KAVANAGH/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS  
CASE  
7-11-16 [[82](#)]

**Final Ruling**

**Motion:** Dismiss Case

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

For the reasons stated in the motion, cause exists under § 1307(c)(1) and (6) to dismiss the case. The debtor has failed to make all payments due under the confirmed plan. Payments are delinquent in the amount of \$4247.

**CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having entered the default of the respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

33. [15-12277](#)-A-13 RAUL/VIVIAN RAMOS  
MHM-1  
MICHAEL MEYER/MV  
PATRICK KAVANAGH/Atty. for dbt.  
RESPONSIVE PLEADING  
WITHDRAWN

CONTINUED MOTION TO DISMISS  
CASE  
6-10-16 [[28](#)]

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.

34. [15-12277](#)-A-13 RAUL/VIVIAN RAMOS  
PK-1  
RAUL RAMOS/MV  
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO MODIFY PLAN  
8-1-16 [[48](#)]

**Final Ruling**

**Motion:** Modify Chapter 13 Plan

**Notice:** LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the trustee, approved by debtor's counsel

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 3015-1(d)(2), 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. The debtor bears the burden of proof as to each element. *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994). The court finds that the debtor has sustained that burden. The court will grant the motion and approve the modification of the plan.

35. [14-11379](#)-A-13 ROBERTA CUMBERLAND  
MHM-5  
MICHAEL MEYER/MV  
PATRICK KAVANAGH/Atty. for dbt.

MOTION TO DISMISS CASE  
8-10-16 [[164](#)]

**Tentative Ruling**

**Motion:** Dismiss Case

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

The chapter 13 trustee moves to dismiss this case, asserting that cause exists under § 1307(c)(1) and (6) as the debtor has failed to make all payments due under the plan. The trustee contends that the debtor is delinquent in the amount of \$11,967.00.

The debtor's opposition does not dispute the delinquency and concedes it. But it indicates that a modified plan will be filed but does not state when. A modified plan does not appear on the docket. The debtor's opposition does not fully resolve the grounds for dismissal. A delinquency still exists as of the date of the opposition. The court is unable to deny the motion given the outstanding delinquency.

**CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss has been presented to the court. Having considered the motion, the opposition, responses, and oral argument at the hearing, if any, and good cause appearing,

IT IS ORDERED that the motion is granted. The debtor has failed to make all payments due under the confirmed chapter 13 plan in this case. Payments are delinquent under the plan. This delinquency constitutes cause to dismiss this case. 11 U.S.C. § 1307(c)(1), (6). The court hereby dismisses this case.

36. [16-11295](#)-A-13 MICHAEL LOPEZ  
MHM-2  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/Atty. for dbt.  
RESPONSIVE PLEADING

CONTINUED MOTION TO DISMISS  
CASE  
6-20-16 [[23](#)]

**No tentative ruling.**

37. [16-11295](#)-A-13 MICHAEL LOPEZ  
RSW-3  
MICHAEL LOPEZ/MV  
ROBERT WILLIAMS/Atty. for dbt.  
OPPOSITION

MOTION TO CONFIRM PLAN  
8-1-16 [[35](#)]

**No tentative ruling.**

38. [16-12297](#)-A-13 JEFFREY/ROMA JEAN BAIRD  
MHM-1  
MICHAEL MEYER/MV  
ROBERT WILLIAMS/Atty. for dbt.  
WITHDRAWN

MOTION TO DISMISS CASE  
9-2-16 [[13](#)]

**Final Ruling**

The motion withdrawn, the matter is dropped as moot.